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JC997 U.S. PTO

01-22-01

PATENT #5A4
9-26-01
M.L.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Examiner: Not Assigned
J. Gregor Sutcliffe et al.) Group Art Unit: Not Assigned
Serial No: Not Assigned) Customer No.: 25213
Filed: January 18, 2001)
For: **CORTISTATIN: NEURO-**)
PEPTIDES, COMPOSITIONS)
AND METHODS)
Docket No.: 22908-0002D1)
)

REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. §1.53(b)

Express Mail Label No.: EL 731 830 979 US
Mailed in Palo Alto, CA on: January 18, 2001

JC878 U.S. PTO
09/766396
01/18/01

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 08/857,389, filed May 15, 1997, which is a continuation-in-part of application Serial No. 08/648,322, filed May 15, 1996, of J. Gregor Sutcliffe, Luis de Lecea, Steven J. Henriksen, and George R. Siggins, for **CORTISTATIN: NEUROPEPTIDES, COMPOSITIONS AND METHODS**.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, sequence listing, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

/ X / the same.

/ less than [REDACTED] named in the prior application and [REDACTED] requested that the following inventors identified above for the prior application be deleted:

3. / The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

/ amendment below;

/ attached Preliminary Amendment.

FILING FEE CALCULATION

| Description | Claims | Extra | Rate | Fee Code | Fee |
|--------------------|---------|-------|--------|----------|-----|
| Basic Filing Fee | | | | 101 | 710 |
| Independent Claims | 3 - 3= | 0 x | \$80 = | 102 | 0 |
| Total Claims | 17 -20= | 0 x | \$18 = | 103 | 0 |

Total Filing Fee \$710

4. Payment of Filing Fees:

/ A check in the amount of \$710, is enclosed herewith.

/ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 19-5431, referencing Docket No. 22908-0002D1. **A duplicate copy of this paper is attached.**

5. Please amend the specification by inserting on page 1, line 1, after the words, "This application is a", ~~+ divisional of copending application Serial No. 08/857,389, filed May 15, 1997,~~ now US Patent 6,479,642, which is hereby incorporated herein by reference, which is a --.

6. Please cancel in this application claims ~~1, 2, and 20~~, from prior copending application Serial No. 08/857,389, filed May 15, 1997.

7. The prior application is assigned of record to: The Scripps Research Institute

8. The power of attorney in the prior application is to: William Schmonsees

/ The power appears in the original papers in the prior application.

/ A Power of Attorney and Revocation of Prior Powers is enclosed.

9. Applicants hereby request the use of the compliant computer readable Sequence Listing that is already on file for prior copending application Serial No. 08/857,389, filed May 15, 1997. Applicants hereby certify that the paper copy of the Sequence Listing enclosed herewith is identical to the computer readable copy filed for prior copending application Serial No. 08/857,389, filed May 15, 1997.

10. Please address correspondence in this matter to:

**William Schmonsees
Heller Ehrman White & McAuliffe
275 Middlefield Road
Menlo Park, CA 94025-3506**

11. Documents enclosed:

Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, sequence listing, oath or declaration showing the signature or an indication it was signed;

Check in the amount of \$710.

Return Receipt Postcard.

Respectfully submitted,

By: 

William Schmonsees
Attorney for Applicants
Registration No. 31,796

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